



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

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JUL 30 2014

MEMORANDUM FOR: The Honorable Jeh C. Johnson  
Secretary

FROM: John Roth   
Inspector General

SUBJECT: Oversight of Unaccompanied Alien Children

We are performing ongoing unannounced site visits to determine the conditions of detention for unaccompanied alien children (UAC) in DHS custody. Site visits are taking place along the southern border in facilities where Customs and Border Protection (CBP) temporarily house UAC. This report covers fieldwork performed from July 1 - 16, 2014. Site visit locations are included as Attachment 1.

To accomplish this effort, we developed a checklist that incorporates requirements of (1) *The Flores v. Reno* Settlement Agreement and (2) CBP's internal policies that address the 2008 William Wilberforce Trafficking Victims Protection Reauthorization Act (TVPRA). The *Flores v. Reno* Settlement Agreement governs the policy for the treatment of unaccompanied alien children in federal custody. CBP internal policies address additional requirements of the Homeland Security Act of 2002 and TVPRA. Requirements include:

- operable and sanitary toilets and sinks;
- potable drinking water and adequate food;
- emergency medical care; adequate temperatures and ventilation;
- adequate supervision and access to telephones;
- notification to United States Citizenship and Immigration Services asylum officers when UAC raise protection concerns;
- notification to Department of Health and Human Services (HHS) for placement; and,
- UAC held in DHS custody for less than 72 hours before transfer to HHS except in exceptional circumstances.

We used the checklist, along with observations and interviews, to assess the treatment of UAC in DHS custody. When feasible, we ensured that immediate action was taken to correct deficiencies noted during site visits. The checklist is included as Attachment 2.



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We also initiated investigations based on a June 11, 2014, American Civil Liberties Union (ACLU) complaint to the DHS Officer for Civil Rights and Civil Liberties (CRCL) and the DHS Office of Inspector General (OIG). The ACLU filed this complaint on behalf of 116 UAC alleging criminal behavior; violations of civil rights and liberties; and violations of laws, regulations and policies in the treatment and processing of UAC. DHS is investigating each of these allegations as follows:

- OIG - 16 allegations
- Immigrations and Customs Enforcement (ICE) Office of Professional Responsibility (OPR) - 1 allegation
- CBP Office of Internal Affairs (IA) - 99 allegations

The OIG is monitoring ICE and CBP investigations and will review the results. DHS CRCL identified 38 of the 116 allegations as potential CRCL violations, and will conduct separate reviews as appropriate.

During this reporting period, we conducted 87 unannounced site visits to 63 locations, including CBP ports of entry, U.S. Border Patrol (USBP) checkpoints, stations, and holding facilities; ICE detention centers; and the Federal Law Enforcement Training Center Artesia. We visited selected sites on multiple occasions.

We developed the checklist after completing 18 of our initial site visits. Therefore, this initial report includes information from the 69 site visits where checklists were completed. Our subsequent reports will include information documented on checklists for all site visits. The following section represents our overall conclusions. A detailed summary of our site visit results is included as Attachment 3.

### **Allegations of Inappropriate Conduct**

- OIG, ICE, CBP, and CRCL investigations of allegations of misconduct are ongoing.
- We did not observe misconduct or inappropriate conduct by DHS employees during our unannounced site visits.
- We did not receive new complaints during our random interviews of UAC.

### **Compliance With UAC Laws, Regulations, Policies**

- A September 2010 OIG report emphasized the need for CBP to establish a procedure to document required UAC information such as the times meals are served, phone usage, detainee medical conditions, and detainee arrests and releases from CBP custody. As such, E3 is the data system CBP uses to document compliance with UAC guidelines. Border Patrol issued directives in



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2012 and 2013 requiring that E3 be used to the fullest extent to capture required UAC information with appropriate updates. However, the system is unreliable due to frequent system outages which have resulted in inconsistent reporting. As a result, E3 is not a reliable tool for CBP to provide increased accountability for UAC's safety and well-being during all phases of CBP's custody process.

- DHS is holding UAC longer than 72 hours because no permanent shelter is available. Employee-to-UAC ratios are inconsistent. For example: (1) one station had more than 25 UAC for each employee while other facilities ranged from 0 to 3 UAC for each employee; (2) not all facilities post copies of UAC policies in English and Spanish; and (3) not all facilities are systematically maintaining an inventory of UAC property.
- Temperatures in DHS facilities were inconsistent. In some facilities, DHS employees cannot adjust thermostats.
- In one location, we observed that contractors did not provide an adequate amount of food. We brought this issue to the attention of CBP officials who corrected it during our site visit.

### **Additional Observations**

- Many UAC and family units require treatment for communicable diseases, including respiratory illnesses, tuberculosis, chicken pox, and scabies.
- UAC and family unit illnesses and unfamiliarity with bathroom facilities resulted in unsanitary conditions and exposure to human waste in some holding facilities. Contract cleaners and DHS employees are working to maintain sanitary conditions.
- DHS employees reported exposure to communicable diseases and becoming sick on duty. For example, during a recent site visit to the Del Rio USBP Station and Del Rio Port of Entry, CBP personnel reported contracting scabies, lice, and chicken pox. Two CBP Officers reported that their children were diagnosed with chicken pox within days of the CBP Officers' contact with a UAC who had chicken pox. In addition, USBP personnel at the Clint Station and Santa Teresa Station reported that they were potentially exposed to tuberculosis.
- DHS employees are donating clothing, toys and games to UAC and family units.
- DHS employees are purchasing food, in some instances with their own money, to supplement contract food supplies.



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### **Suggestions for Consideration**

#### ***To the Principal Deputy Assistant Secretary, U.S. Immigration and Customs Enforcement:***

Identify resources necessary for ICE to ensure the E3 data system functions reliably.

#### ***To the Commissioner, U.S. Customs and Border Protection:***

Develop, in consultation with DHS CRCL, a "Know Your Rights and Responsibilities" video for UAC and family units. The video should include, but need not be limited to: hygiene while in custody; appropriate use of DHS facilities, including toilets and showers; DHS processing procedures, such as medical screenings and vaccinations; the right to food and potable water; procedures for access to emergency medical care, telephones, and consular notification; and procedures for raising concerns. The video should be available in Spanish and translated to other languages as needed.

Ensure that all DHS facilities that house unaccompanied alien children post the Unaccompanied Alien Child Policy in English and Spanish.

Until E3 is functioning properly, DHS facilities should complete a property checklist for each unaccompanied alien child or family unit in custody.

We appreciate the courtesies and cooperation extended to our staff by CBP personnel during our onsite reviews.

cc: The Honorable Thomas S. Winkowski, Principal Deputy Assistant Secretary  
U.S. Immigration and Customs Enforcement  
The Honorable R. Gil Kerlikowske, Commissioner  
U.S. Customs and Border Protection  
The Honorable Megan H. Mack, Officer for Civil Rights and Civil Liberties



Unaccompanied Alien Children Site Visits  
July 1-16, 2014

OIG INV Office	USBP SECTORS	LOCATION	Date of Visit	Date of Visit	Date of Visit	Date of Visit	Date of Visit
<b>TUCSON (1)</b>	Tucson Sector	Nogales	7/2/2014	7/15/2014			
<b>Site Visits (2)</b>							
<b>EL PASO (8)</b>		FLETC Artesia - FLETC & ICE/ERO	7/9/2014				
<b>Site Visits (8)</b>	El Paso Sector	Clint USBP Station	7/10/2014				
	El Paso Sector	Deming USBP Station	7/10/2014				
	El Paso Sector	El Paso USBP Station (Station 1)	7/10/2014				
	El Paso Sector	Fort Hancock USBP Station	7/10/2014				
	El Paso Sector	Santa Teresa USBP Station	7/10/2014				
	El Paso Sector	Ysleta USBP Station	7/10/2014				
	El Paso Sector	Paso Del Norte POE - CBP/OFO	7/10/2014				
<b>SAN DIEGO (26)</b>	El Centro Sector	Calexico USBP Station	7/1/2014				
<b>Site Visits (26)</b>	El Centro Sector	Calexico Port of Entry East	7/1/2014				
	El Centro Sector	Calexico Port of Entry West	7/1/2014				
	El Centro Sector	El Centro USBP Station	7/1/2014				
	El Centro Sector	El Centro USBP Sub-Station-I-8	7/1/2014				
	El Centro Sector	El Centro ICE ERO	7/1/2014				
		El Centro ICE Service Procesings Center	7/11/2014				
	El Centro Sector	Highway 86 USBP Checkpoint	7/1/2014				
	El Centro Sector	Highway 111 USBP Checkpoint	7/1/2014				
	El Centro Sector	Indio USBP Station	7/1/2014				
	San Diego Sector	Andrade Port of Entry	7/1/2014				
	San Diego Sector	Boulevard USBP Station	7/1/2014				
	San Diego Sector	Brown Field USBP Station	7/1/2014				
	San Diego Sector	Campo USBP Station	7/1/2014				
	San Diego Sector	Chula Vista USBP Station	7/1/2014				
	San Diego Sector	El Cajon USBP Sub-Station-Campo	7/1/2014				
	San Diego Sector	El Cajon USBP Sub-Station-Magnolia	7/1/2014				
	San Diego Sector	Highway 94 USBP Checkpoint	7/1/2014				
	San Diego Sector	Imperial Beach USBP Station	7/1/2014				
	San Diego Sector	Interstate 8 USBP Checkpoint	7/1/2014				
	San Diego Sector	Murrieta USBP Station	7/1/2014				
	San Diego Sector	Otay Mesa Port of Entry	7/1/2014				
	San Diego Sector	S-2 USBP Checkpoint	7/1/2014				
	San Diego Sector	San Clemente USBP Station	7/1/2014				
	San Diego Sector	San Ysidro Point of Entry	7/1/2014				
	San Diego Sector	Tecate Point of Entry	7/1/2014				
<b>HOUSTON (28)</b>	Rio Grande Valley Sector	Brownsville USBP Station	7/3/2014	7/14/2014			
<b>Site Visits (51)</b>	Rio Grande Valley Sector	Corpus Christi BP Station	7/7/2014	7/15/2014			
	Rio Grande Valley Sector	Falfurias USBP Station	7/7/2014	7/15/2014			
	Rio Grande Valley Sector	Fort Brown USBP Station	7/3/2014	7/14/2014			
	Rio Grande Valley Sector	McAllen USBP Station	7/2/2014	7/14/2014			
	Rio Grande Valley Sector	Harlingen USBP Station	7/3/2014	7/14/2014			
	Rio Grande Valley Sector	Kingsville USBP Station	7/7/2014	7/16/2014			
	Rio Grande Valley Sector	Rio Grande Valley USBP Station	7/2/2014	7/14/2014			
	Rio Grande Valley Sector	Weslaco USBP Station	7/2/2014	7/14/2014			
	Del Rio Sector	Bracketville USBP Station	7/15/2014				
	Del Rio Sector	Carrizo Spring USBP Station	7/16/2014				
	Del Rio Sector	Comstock USBP Station	7/16/2014				
	Del Rio Sector	Del Rio USBP Station	7/3/2014	7/4/2014	7/6/2014	7/7/2014	7/9/2014
	Del Rio Sector	Del Rio Port of Entry	7/8/2014				
	Del Rio Sector	Eagle Pass North USBP Station	7/14/2014				
	Del Rio Sector	Eagle Pass South USBP Station	7/14/2014				

	Del Rio Sector	Uvalde USBP Station	7/14/2014				
	Laredo Sector	Cotulla USBP Station	7/7/2014	7/14/2014			
	Laredo Sector	Freer USBP Station	7/8/2014	7/16/2014			
	Laredo Sector	Freer I-59 Checkpoint	7/8/2014	7/16/2014			
	Laredo Sector	Hebbronville USBP Station	7/9/2014	7/16/2014			
	Laredo Sector	Hebbronville I-359 Checkpoint	7/9/2014	7/16/2014			
	Laredo Sector	Laredo North USBP Station	7/2/2014	7/14/2014			
	Laredo Sector	Laredo North USBP Checkpoint	7/7/2014	7/14/2014			
	Laredo Sector	Laredo South USBP Station	7/2/2014	7/14/2014			
	Laredo Sector	Laredo West USBP Station	7/3/2014	7/15/2014			
	Laredo Sector	Laredo Port of Entry	7/15/2014				
	Laredo Sector	Zapata USBP Station	7/3/2014	7/15/2014			

### Facility Observations Checklist

Facility Name:

Observer's Name:

Date:

Facility Observation Checklist	Conditions	Yes	No
Toilet	Operable		
	Sanitary		
	Screened?		
Sink	Operable		
	Sanitary		
Drinking Water	Available		
Food	On-Site		
	Contract		
	Other		
	Provided four to six hours		
	Hot food		
	Snacks, milk and juice available		
Emergency Medical Care	Trained medical technicians		
	First aid kits		
	Detainee access to prescribed medications		
	Other		
Temperature Control	Working thermostat		
	Adjustable thermostat		
	Current temperature		
	Blankets available		
Ventilation	Operation		
Supervision	UAC monitored directly?		
	Videos available (request videos be retained)		
	Rooms easy to observe		
	Staff-to-UAC ratio?		
Separate Holding Areas from Unrelated Adults	Available		
	Separation by gender		
	Separation of opposite sex adults		
Telephone	Available		
	Phones operable		
	Calls logged		
Copy of Unaccompanied Minor Policy	Posted in English		
	Posted in Spanish		
Property Checklist	Checklist Available		

Name of INV Officer:
Date of observation:
Time of observation:
Name of OBP Unaccompanied Minor Coordinator:



## Unaccompanied Alien Children Site Visits July 1-16, 2014

	COMPLIANCE	NON COMPLIANCE	INFORMATION NOT AVAILABLE
TOILETS			
Operable	69	-	-
Sanitary	69	-	-
Screened	66	1	2
SINK			
Operable	68	-	1
Sanitary	68	-	1
DRINKING WATER			
Available	69	-	-
FOOD			
On-Site	62	-	7
Contract	66	-	3
Provided 4-6 Hours	66	1	2
Hot Food	66	1	2
Snacks, Milk, and Juice available	65	3	1
EMERGENCY MEDICAL CARE			
Trained Medical Techs	67	1	1
First Aid Kits	69	-	-
Detainee Access to Prescription Medications	32	4	33
TEMPERATURE CONTROL			
Working Thermostat	66	1	2
Adjustable Thermostat	64	4	1
Current Temperature	Range from 56° - 80°		
Blankets Available	67	-	2
VENTILATION			
Operation	54	-	15
SUPERVISION			
UAC Monitored Directly	67	-	2
Videos Available (Request Retained)	25	10	34
Rooms Easy to Observe	68	-	1
Staff-to-UAC Ratio	Range from 1 to 1 - 14 to 40		27
SEPARATE HOLDING AREAS FROM UNRELATED ADULTS			
Available	65	-	4
Separation by Gender	66	1	2
Separation of Opposite-Sex Adults	51	-	18
TELEPHONE			
Available	68	-	1
Phones Operable	68	-	1
Calls Logged	64	3	2